

  
Bylaws of the Board

BP 9321.1(a)

**CLOSED SESSION CONDUCT AND REPORTS**

The Board shall first announce in open meeting the items to be discussed in closed session. No matters other than those announced shall be discussed or acted upon during the closed session. (Government Code 54957.7)

The Board shall report closed session actions and the votes or abstentions thereon in accordance with law. (Government Code 54957.7)

**Personnel Matters**

Closed sessions for personnel matters shall not include discussion of the county office's available funds, funding priorities or budget. (Government Code 54957)

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the position title and any change in compensation. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

**Negotiations/Collective Bargaining**

Closed sessions for negotiations with unrepresented employees shall not include discussion of the county office's available funds, funding priorities or budget. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with unrepresented employees shall be reported after the agreement is final and has been accepted or ratified by the unrepresented employee(s). This report shall identify the item approved and the unrepresented employee(s). (Government Code 54957.1)

(cf. 4143 - Public Notice - Personnel Negotiations)

**Student Matters**

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in the law. (Education Code 35146, 48918)

(cf. 5125 - Student Records)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

### Security

Closed sessions for security matters shall not include discussion of the county office's available funds, funding priorities or budget. (Government Code 54957)

### Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the county office of its approval. (Government Code 54957.1)

### Pending Litigation

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held:

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the county office's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the county office shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

### JPA/Self-Insurance Claims

The Board shall report the disposition of JPA or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

Legal Reference:

EDUCATION CODE

35145 Public meetings  
35146 Closed session (re student matters)  
48918 Rules governing expulsion procedures; hearings and notice  
49073-49079 Privacy of student records

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially  
54957.1 Closed sessions; public report of action taken  
54957.7 Disclosure of items to be discussed

Policy:

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Adopted: 8/16/94

\*Replaces old Policy #9322 (1985)